

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ONO’S TRADING COMPANY, LLC, et al.,) Plaintiffs,) vs.) STUART A. PARNELL, et al.) Defendants.)	}	CIVIL ACTION NO. 04-0706-CG-C
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PERMANENT INJUNCTION

Pursuant to the memorandum opinion and order entered August 15, 2006, granting summary judgment in favor of the plaintiffs as to Count I (Doc. 201), it is hereby **ORDERED, ADJUDGED and DECREED** that plaintiffs shall take judgment against the defendants Stuart Parnell, Patti M. Parnell, The Nautical Group, LLC, PMP, LLC d/b/a/ The Nautical Group and SLT, LLC d/b/a The Nautical Group (“Defendants”) that:

(1) Defendants, and each of them, and each of their officers, agents, servants and employees, and all those persons in active concert or participation with them, are hereby forever enjoined from using the ONO’S TRADING COMPANY mark¹, or any mark similar thereto or likely to cause confusion therewith, in the manufacturing, production, marketing, promotion, display, sale, offering for sale, distribution or advertising of any products or services, including, but not limited to, sunglasses or similar merchandise and services.

(2) Defendants, and each of them, and each of their officers, agents, servants and employees, and all those persons in active concert or participation with them, are hereby forever enjoined from making any statements or representations, or using the ONO’S TRADING

¹ The ONO’S TRADING COMPANY mark shall include the ONO’S TRADING COMPANY design mark (“logo”) and the ONO’S TRADING COMPANY word mark when used in conjunction with the design mark (“logo”) specifically adopted by plaintiff Ono’s Trading Company, LLC (a specimen of which is attached hereto as Exhibit A).

COMPANY mark and logo in any way that suggests an affiliation, connection, sponsorship or association with Ono's Trading Company, LLC (or any predecessors, successors, parents, subsidiaries, affiliates, divisions, assigns, principals, stockholders, members, directors, officers, attorneys, employees, agents, independent contractors, and representatives).

(3) Defendants, and each of them and each of their officers, agents, servants and employees, and all those persons in active concert or participation with them, are hereby forever enjoined from contesting or otherwise interfering with Ono's Trading Company, LLC's continued use of the ONO'S TRADING COMPANY mark.

(4) Defendants are ordered to deliver to plaintiffs' attorney within thirty (30) days after issuance of this Order, to be impounded or destroyed by plaintiffs, all sunglasses, signs, labels, packages, wrappers and advertisements bearing the ONO'S TRADING COMPANY mark, or any mark similar thereto.

(5) Defendants are ordered to provide all of their current and former customers with a copy and summary of this ORDER.

(6) Defendants are ordered to provide all of their current and former suppliers and distributors with a copy and summary of this Order.

(7) Defendants are ordered to notify all customers, suppliers and distributors for a period of two (2) years from the date of this Order that defendants are in no way affiliated, connected, sponsored or associated with Ono's Trading Company, LLC and have no right to the use of the ONO'S TRADING COMPANY mark.

(8) Defendants are ordered to display a sign at the next two (2) trade shows that defendants are in no way affiliated, connected, sponsored or associated with Ono's Trading Company, LLC.

(9) Defendants, and each of them, and each of their officers, agents, servants and employees, and all those persons in active concert or participation with them, are hereby forever

enjoined from entering into or exercising any agreement that would permit them to use the ONO'S TRADING COMPANY mark in the manufacturing, production, marketing, promotion, display, sale, offering for sale, distribution or advertising of sunglasses or similar merchandise and services.

(10) Defendants are enjoined from effecting assignments or transfers, forming new entities or associations or utilizing any other device for the purpose of circumventing or otherwise avoiding the prohibitions set forth above.

(11) Defendants are enjoined from aiding, abetting, contributing to or otherwise assisting anyone from engaging in activities enjoined above.

(12) Within thirty (30) days after issuance of this Order, defendants, and each of them, are required to file with the Clerk of this Court and serve on plaintiffs, a report in writing, under oath, setting forth in detail the manner and form in which each defendant has complied with the foregoing injunction and their specific plan for continued compliance.

DONE and ORDERED this 20th day of October, 2006.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE

EXHIBIT A

